



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/713,560

11/14/2003

Richard Bussiere

ENI-037

8242

35557

7590

08/27/2008

CHRIS A. CASEIRO

VERRILL DANA, LLP

ONE PORTLAND SQUARE

PORTLAND, ME 04112-0586

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/713,560	Applicant(s) BUSSIERE ET AL.	
	Examiner CHRISTOPHER J. BROWN	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/09/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-15,28-30 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-15,28-30 and 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Request for Continued Examination has been entered and accepted.

Response to Arguments

Applicant's arguments, filed 6/09/2008, with respect to USC 112, and 37 CFR 1.131 have been fully considered and are persuasive. The rejection in view of Sung US 2004/0215972 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan US 2004/0003285.

As per claims 1, and 30, Whelan teaches establishing signal transfer policies for each of a plurality of interconnection devices of the network system (prevent network traffic flow from certain access points) [0039]. Whelan teaches monitoring the network for intrusions (determines whether authorized) [0036]. Whelan teaches changing one or more signal transfer policies of one or more of the plurality of interconnection devices in response to the one or more detected intrusions (if unauthorized disables or reroutes communications [0039]).

Art Unit: 2134

Whelan teaches excluding a policy enforcement module for effecting its own signal transfer policy changes via the fact that the instructions for change originate with the network monitor.

As per claims 2, and 3 Whelan teaches identifying one or more sources of the intrusion s including the physical or logical address (rouge access point) [0036].

As per claim 5, 38 Whelan teaches employing an IDS (network monitor) [0024].

As per claim 8 Whelan teaches identifying one or more of the plurality of devices associated with the one or more sources of the intrusion including determining the addresses of the devices (reroutes other network devices to prevent traffic from rouge element) [0039].

As per claim 9, 29, 41 Whelan teaches verifying the identification of the source (verification of rouge access point) [0038].

As per claim 10, Whelan teaches the device to block access [0039].

As per claims 12, and 13 Whelan teaches configuring a first set of network devices with policy and after an intrusion configuring a second set of policy (normal behavior until an intrusion, and then blocking access) [0039].

Art Unit: 2134

As per claim 14, 39 Whelan, teaches the device is a network entry device (access points connected to rouge mobile units) [0046].

As per claim 15, Whelan teaches configuring ports [0039], [0041].

As per claim 28, 40 Whelan teaches identifying the address of both the source and the network entry device (send instructions to the device to block the address of the source) [0047].

As per claim 33 Whelan teaches a directory service function for receiving address information (checks tables) [0034].

As per claim 34 Whelan teaches a policy manager function to configure devices [0039]

As per claim 35 Whelan teaches utilizing the directory service to evaluate whether a policy change is required [0036].

As per claim 36, 37 Whelan teaches the system is centralized network monitor [0011]

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan US 2004/0003285 in view of Goldman US 2003/0046583

Art Unit: 2134

As per claims 4, and 32, Goldman teaches configuring devices to be capable of changing their own transfer policies (detect intrusion and block) [003] [0031] . It would have been obvious to one of ordinary skill in the art to use the configuration of Goldman because it allows a quicker response to an intrusion detection.

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan US 2004/0003285 in view of Baffes US 2004/0111636

As per claim 11, Whelan does not teach allowing activity and collecting forensic evidence.

Baffes teaches allowing an intrusion to a honeypot in order to collect forensics evidence [0038]. It would have been obvious to one of ordinary skill in the art to use the method of Baffes in the system of Whelan in order to further investigate the source of intrusions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER J. BROWN whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J Brown/
Primary Examiner, Art Unit 2134

8/23/08